

make it easier for one parent to stay at home to take care of the children, if that is what they decide is best for them. They could make four to five payments on their car or minivan. They could pay their utility bill for nine months.

Mr. President, it seems to me that if couples need advice about their decision to marry, they should be encouraged to look to their minister or rabbi, or their family, not their accountant or the Internal Revenue Service. This amendment represents an effort to strengthen families and give them a chance to spend their hard-earned money in the way they best see fit.

Given that federal revenues as a share of the nation's income, as measured by Gross Domestic Product, will set a peacetime record this year—a whopping 20.5 percent of GDP—and given that we are anticipating a budget surplus of more than \$63 billion, it seems to me that there is no excuse for the Senate to allow the marriage-penalty tax to continue any longer.

I urge my colleagues to join me today in voting to end the egregious marriage-penalty tax.

Mr. FAIRCLOTH. Mr. President, I rise in strong support of the Brownback-Faircloth marriage penalty relief amendment.

In fact this amendment is the same as the legislation I originally offered with Senator KAY BAILEY HUTCHISON and many others to provide relief from the marriage penalty tax.

Mr. President, in listening to my colleagues, I find very little opposition to the notion that couples should not be penalized with additional taxes simply because they choose to marry.

As several members have stated, the Congressional Budget Office has determined that married couples are taxed an extra \$1,400 on average more than singles. This legislation would correct that problem.

Relief from the marriage penalty tax is an idea which enjoys broad, bipartisan support in the Senate. In fact, legislation which I offered as an amendment to the Fiscal Year 1999 Budget resolution established marriage penalty tax relief as among the highest priorities of the Senate this year. That amendment passed this body by a vote of 99 to 0.

Clearly, there is no objection to providing this much needed relief.

Some of my colleagues have suggested that the bill before us is not the appropriate bill to serve as a vehicle for this tax relief. In fact, the only objections I can find to this amendment are based on procedure, and not about the merits of the issue.

I understand the concerns raised about procedure, but I would urge my colleagues to consider the injustice of this marriage penalty tax, and join me and the other sponsors of this amendment to eliminate this unfair burden. I urge my colleagues to vote no on the motion to table the Brownback-Faircloth amendment.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURE PLACED ON CALENDAR—H.R. 4250

Mr. CAMPBELL. Mr. President, I understand H.R. 4250, regarding patient protection, is at the desk and is awaiting second reading.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

A bill (H.R. 4250) to provide new patient protection under group health plans.

Mr. CAMPBELL. Mr. President, I object to the consideration of the bill at this time.

The PRESIDING OFFICER. The bill will be placed on the calendar.

Mr. CAMPBELL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROTH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURNS). Without objection, it is so ordered.

TREASURY AND GENERAL GOVERNMENT APPROPRIATIONS ACT, 1999

The Senate continued with the consideration of the bill.

AMENDMENT NO. 3359

Mr. ROTH. Mr. President, I rise to address the amendment offered by Senator BROWNBAC. I appreciate the work he and others have done. I agree with the premise of this amendment.

We need to provide much needed marriage penalty relief to American families. We all know how unfair the marriage penalty is. We have heard from our constituents. We see how it cuts into the family budget. We realize that it must be changed. Our laws should not penalize married couples and their families.

Over the years, I have been a forceful advocate for marriage penalty relief. In fact, during the recent consideration of the tobacco bill, I cosponsored an amendment that would have provided such relief. I have also stated many times that marriage penalty relief should be included in any package of tax cuts. As chairman of the Finance Committee, I remain committed to that position.

As we look to real and meaningful tax reform, we will take care of the marriage penalty. This will be one of

our top priorities. But addressing this important issue must be done at the proper time and in the proper way. This is not the time, nor is this appropriations bill the appropriate vehicle to proceed with this amendment. This is a tax issue. It does not belong on this appropriations bill. It did not come through the committee of jurisdiction. That committee is the Finance Committee.

I know many of my colleagues agree with me when it comes to the marriage penalty. They are seeking an opportunity, as I am, to address it and find a remedy as quickly as we can. This will be our objective in the future. We intend to take care of this in the right way. I ask our colleagues outside the committee to support it.

Adoption of this amendment at this time would not only disrupt the proper order of things and result in the loss of appropriate and constructive debate within the Finance Committee, but, equally important, it would subject the entire Treasury-Postal appropriations bill to a blue slip from the House of Representatives. Revenue measures must originate in the House. If not, any Member—I emphasize “any Member”—of the House can raise an objection. The result would be that this appropriations bill dies. And that is not in anyone's interest.

While I completely agree with the objective and necessity of this amendment, while I remain a staunch ally of those who seek to provide marriage penalty relief, I cannot vote for this amendment.

I ask my colleagues to vote with me. Allow the Finance Committee and the Senate to address this important issue in a way that is correct and will bring real and lasting tax relief to married couples and families.

Mr. President, I understand the distinguished Senator from Texas wants to address this matter.

Mrs. HUTCHISON. Mr. President, before the Senator would make any motion, I would like to be able to speak for a few minutes on the amendment. I didn't want to be shut out.

If that is the Senator's intention, I would just ask if he would allow me at the appropriate time—

Mr. ROTH. Mr. President, I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I thank the distinguished Senator from Delaware, because I wanted to be able to speak on this matter. I have just come from a committee markup. But the bill that is on the floor as an amendment is actually a bill that Senator FAIRCLOTH and I introduced.

I am very pleased that Senator BROWNBAC and Senator ASHCROFT and others have pursued this, because I think it is at the core of what we should be doing in this Congress; that is, to try to give people back the money they worked so hard to earn.

It is so important that we address the issue of the couple from Houston whom I met recently. He is a police officer. He makes \$33,500 a year. She is a teacher in the Pasadena Independent School District. She earns \$28,200 per year. They were married and immediately had to pay an increased tax of over \$1,000.

Mr. President, this is a young couple who just got married who want to begin to save to purchase a new home, and they are hit with a \$1,000 penalty because they got married.

This is of the utmost importance. It is an issue that we must address this year.

I appreciate that the Senator from Delaware, who is the chairman of the Finance Committee, has said if we have tax cuts, this will be the first priority. I know he agrees with us on the merits. He may disagree on process or on whether we use this bill as a vehicle. That is understandable. But in the end, Mr. President, it is very important that we speak for the working young people of our country to make sure they get a fair shake when it comes to taxes.

Twenty-one million couples are paying a penalty because they are in that middle-income level, and when they get married, they get assessed an average of \$1,400 a year more. Simply because they wanted to get married and raise a family, they are penalized by the U.S. Government.

We must correct this inequity. That is what our bill, the Faircloth-Hutchison bill does. That is what Senator BROWNBACK and Senator ASHCROFT are trying to do with this amendment. We are together on this.

If this isn't the right process, if this isn't the right time, let's find the right time. Let's commit to the right time, because we must correct this inequity. I hope the Senate will speak very firmly that this is our priority.

I want to address one last issue, and that is Social Security.

Do we have to compete between tax cuts and Social Security? Absolutely not. In fact, I think many of us are going to support all of the surplus of the Social Security system going into saving Social Security. That is our first priority. We are going to have a budget surplus that is separate and apart from the surplus in Social Security. We are saying that the surplus should go to tax cuts, because those of us who have been around here for a few years have begun to see that if there is any excess revenue in this budget, all of a sudden we get very creative about how to spend taxpayer dollars. We must remember, the money does not belong to us, it belongs to the people who work so hard to earn it. And it must be returned to them before somebody gets very creative with some new program that would take the money from the families who earn it. That is the issue.

Let's set aside the surplus from Social Security. And let's start the proc-

ess of saving Social Security and making it even better, which I think we are going to be able to do in a bipartisan way in this Senate. But let's also take the surplus from the revenue that is coming in and give it back to the people who earn it—the people to whom it makes a big difference. If they have that \$1,400, that is six or seven car payments, several payments on a student loan or maybe the couple is saving for their first home. We can help them with those expenses, and we should.

Thank you, Mr. President. I thank the distinguished Senator from Delaware for allowing me to make those points.

I hope we will do the right thing. I hope we will make this our highest priority in this Congress, along with saving Social Security. We can do both.

Thank you, Mr. President.

Mr. GRAMS addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. GRAMS. Mr. President, I also would like to rise and join Senators BROWNBACK and ASHCROFT in offering an amendment to correct the injustices of the marriage penalty. I want to take a few minutes to speak on behalf of that. It is vitally important, I believe, that Congress pass this amendment, and as quickly as possible.

I also would like to note that Senator HELMS of North Carolina would like to be added as a cosponsor of this amendment.

Mr. President, we have debated this issue now for quite some time. It is clear to me that this is noncontroversial and should have support from all Members of this body.

Everyone in this debate agree that the family has been and will continue to be the bedrock of American society. We all agree strong families make strong communities; strong communities make for a strong America. We all agree that this marriage penalty tax treats married couples unfairly. Even President Clinton agrees that the marriage penalty is unfair.

But still Washington refuses to get rid of this bad tax policy that discourages marriage—the most basic institution of our society.

As a result, millions of married couples will be forced to pay more taxes simply for choosing to commit to a family through marriage.

A 1997 study by the Congressional Budget Office, entitled "For Better or Worse: Marriage and the Federal Income Tax," estimated 21 million couples, or 42 percent of couples incurred marriage penalties in 1996. This means 42 million individuals pay \$1,400 more in taxes than if they are divorced, or living together.

But marriage penalties can run much higher than that. Under the current tax law, a married couple could face a Federal tax bill that is more than \$20,000 higher than the amount they would pay if they were not married.

Again this is extremely unfair. This was not the intention of Congress when

it created the marriage penalty tax in the 1960s by separating tax schedules for married and unmarried people.

The marriage penalty is most unfair to married couples who are both working. It discriminates against low-income families and is biased against working women.

The trends show that more couples under age 55 are working, and the earnings between husbands and wives are more evenly divided since 1969. As a result, more and more couples have received, and will continue to receive, marriage penalties and while fewer couples receive bonuses.

The marriage penalty creates a second-earner bias against married women under the federal tax system. The bias occurs because the income of the secondary earner is stacked on top of the primary earner's income.

As a result, the secondary earner's income may be taxed at a relatively higher marginal tax rate. Married women are often the victims of the second earner bias.

During the 1970's and 1980's, as more and more women went to work, their added incomes drove their households into higher tax brackets. Today, women who return to the work force after raising their kids face a tax rate as high as 50 percent.

The CBO study also found "small but statistically significant effects of marriage penalties in reducing the likelihood of marriage for women."

Mr. President, what this finding means is that the marriage penalty tax has discouraged women from marriage.

This is shameful. This is a direct insult to our most basic and most stable institutions. We must put an end to it.

American families today are taxed at the highest levels since World War II, with nearly 40 percent of a typical family's budget going to pay taxes on the Federal, State, and local level. They deserve a tax break. Last year's tax relief was too little and too late. More meaningful tax relief must be provided.

In the next 5 years, the Federal Government will take \$9.6 trillion from the pockets of working Americans. The revenue windfall will generate a huge budget surplus. This surplus comes directly from taxes paid by the American people. It is only fair to return it to the taxpayers.

Repealing the marriage penalty will allow American Families to keep \$1,400 more each year of their own money to pay for health insurance, groceries, child care, or other family necessities.

Mr. President, some argue that repealing the marriage penalty will only benefit the affluent. This is completely false. The fact is, the elimination of the injustice of the marriage penalty will primarily benefit minority, low- and middle-class families. Data suggests the marriage penalty hits African-Americans and lower income working families hardest.

According to the CBO, couples at the bottom end of the income scale who incur penalties paid an average of nearly \$800 in additional taxes, which represented 8 percent of their income.

Eight percent, Mr. President. Repeal the penalty, and those low-income families will immediately have an 8 percent increase in their income or an 8 percent cut in their taxes.

Some also argue that repealing the marriage penalty would affect families receiving marriage bonuses. This is not true either. Although there are couples who receive marriage bonuses, this doesn't justify the Federal Government penalizing another 21 million couples just for being married.

We should give more bonuses to all American families in the form of tax relief, whether both spouses or only one of them are working.

In closing, I must point out that this amendment takes the approach of income splitting to repeal the marriage penalty. Married couples would be allowed to split their income down the middle, regardless of who earned it, and be taxed at the lower rate. This would protect working couples without punishing women who remain at home.

In his book "The Decline (And Fall?) of the Income Tax," Michael Graetz, former Treasury Department tax whiz, writes "A tax system can't survive when it departs from the fundamental values of the people it taxes". I couldn't agree with him more.

Mr. President, it is unfair and immoral to continue the marriage penalty tax. Today, let us just get rid of it.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire.

Mr. SMITH of New Hampshire. Mr. President, I rise in very strong support of the marriage penalty amendment. I am pleased to be a cosponsor of the amendment. I want to say, under our current tax system, getting married increases your taxes. That does not make a lot of sense.

The typical family pays more than \$100 per month in extra taxes because of the marriage penalty. I have looked at this matter for years and never understood the rhyme or reason for the policy in the first place. Why on Earth such legislation would ever pass the U.S. Congress is mind-boggling. I guess there are some out there who think the institution of marriage has no special importance.

Even if there are those people who feel that way, it would be hard not to acknowledge that taxing people simply because they got married is discriminatory, pure and simple, no matter how you feel about marriage. Why should you be discriminated against in the Tax Code because you get married?

Let's not overlook the importance of marriage and the family to our country's success. Children do best when they are raised by two happily married parents. We have some in the liberal establishment who would probably take issue with that as well, but I believe that is the case. I think the statistics speak for themselves. Study after study indicates that children raised in such families are more successful in school, are less likely to

commit crime, do drugs, or bear illegitimate children. They do better in the workplace when they get out of school. They do better and they are more likely to stay married as adults if they have that kind of family unit to learn from.

So, imposing a tax penalty on marriage is probably one of the most antichild and antifamily policies that we could have. Often, those hardest hit by the marriage tax are those young married couples who are just trying to get started. We hear all the time from our constituents—I know I do—about this. Here is a letter from a young man in Salem, NH. I am not going to have the letter printed in the RECORD, just for the purpose of protecting the individual's privacy, but let me quote from that letter:

You see, Senator, my wife and I are both working very hard to make a decent life for ourselves and our future children, if we can ever afford to have them. Unfortunately, we made a tactical error some 15 months ago. We decided that we loved each other enough to get married, and now I realize that before making such a decision, I should have consulted the Tax Code to see what the incremental tax liabilities would be. In 1997, our tax liability was approximately \$1,100 more than it would have been had we simply decided to live together out of wedlock.

That is a very powerful statement from a young couple who love each other, who got married, and then paid a penalty in the Tax Code for doing that.

There is one other letter from a constituent in Lee, NH.

My husband and I got married this past August. He is a police officer and I started a new job as a project engineer for a large plastics manufacturer. We purchased our first home together in September, thinking we would get taxed on our savings for a home. We thought we were establishing ourselves quite well as a young married couple. It was to our surprise that when we met with our CPA we found out that there was a couple of thousand dollars tax penalty just for being married, which has cost us \$2,700. This, of course, increased the amount of money that we owed to the IRS. We both expected to owe taxes, a small amount, due to the fact that we are a double income family without children as yet.

However, the last thing we expected to be taxed on was our marriage. This has placed a very large burden on my husband and me and since it wasn't in our budget it is affecting our home security.

In our country, I think that one of the last things we need to penalize is marriage. We have enough divorcees, deadbeat parents, and abusive families to worry about. Does it really make sense to attack the families that do not fall into these categories? I understand the money has to come from somewhere, but families like ours also have to control our expenses. Why can't the Government bring in funds without this tax penalty and control its expenses?

Mr. President, these constituents are very perceptive. I agree with them. There is no excuse for withholding tax relief from American families. I agree with them. There is no better place to start cutting taxes than the marriage penalty. There is no excuse for maintaining a tax policy that undermines children and marriage.

This amendment, which would allow a husband and a wife to each claim half of their joint incomes and be taxed in the lower brackets that apply, will send a very clear message to the American people from this Congress that marriage is a valued institution, that we want to encourage it, not discourage it, and that we ought not to be penalized in the Tax Code for being married. We want to adopt a policy that does not discriminate against marriage by effectively eliminating this marriage penalty.

New CBO projections call for Federal budget surpluses exceeding \$500 billion over the next 5 years. Thus, the full elimination of the marriage penalty would equal less than one-third of the projected budget surplus. This surplus gives us the opportunity to have a positive impact upon millions of American families, hard-working American families who are trying to do the right thing to raise their children in the right way and send a message saying that marriage is important to our culture.

This amendment is long overdue—long overdue—and I agree with the Senator from Missouri that the business of Government is to create an environment in which the family can flourish, and we need to encourage institutions like the family. The more we encourage the family, the less need we are going to have for Government to step in. Maybe that is the reason why we had the marriage penalty in the first place.

Mr. President, I urge my colleagues to support this amendment. There will be all kinds of reasons given why we shouldn't, but I urge my colleagues to support this amendment to eliminate the penalty that the Tax Code imposes on the American family. I yield the floor, Mr. President.

Mr. CRAIG addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. Mr. President, I come to the floor today to join with my colleagues from Missouri and Kansas in their amendment to eliminate the marriage penalty. There has been a growing level of frustration amongst most of us in the Senate and, I am sure, our colleagues on the other side of the Rotunda, as the Congressional Budget Office and others predict and justify by their analysis higher and higher budget surpluses, as to what we will do with this revenue. As most of my colleagues know, I, amongst others, have fought for decades to bring about a balanced budget knowing that from that budget we would have opportunities to significantly change the way our Government does business, but most importantly, the way our Government impacts the lives of American citizens in the form of rules and regulations and laws, because balanced budgets limit Government, but most importantly, as a result of the kind of impact the Federal Government, through its taxing policies, have on wage earners' ability to

earn and to spend their money for themselves, for their families, for their children.

Over the course of creating tax policy the last good number of decades, one of the great tragedies that I think the public recognizes is that Congress can use tax policy as a form of social engineering. You can cause the public to move their moneys in one direction or another by the way you tax them. You can also cause the public or individuals to act differently.

There was a recent article in a newspaper, a national wire story just this past week. More couples are living together without being married than ever in the history of our country. They cited a lot of reasons. One of the reasons they didn't cite was tax policy. But in talking with citizens of my State and couples who have chosen to live together without marriage, the marriage penalty is clearly one of those issues.

Tragically enough, that is either by intent or by mistake, but the reality is clear: Tax policy driven by this Congress and by the American Government has caused a lifestyle change in our country, a change in the forming of the family unit that many of my colleagues today have said, and rightfully spoken to, as being the foundation of our society, the strength of our communities and, therefore, the strength of our country.

Tax policy should not do that, and here we are in an opportune time, an opportunity that we have never had in the years I have spent here, to make these kinds of changes, and we ought to do it.

I must also tell you that with the projected surplus over the next 5 years of \$500 billion plus, there are a lot of other things we can do. For future generations, we ought to fix the Social Security system. Fix it, I mean by not making it a chain letter, by not creating a tremendous precipice of problems as it relates to the year 2018 or whenever the spiking of the baby boomers arrives and those necessary checks must go out to our citizens. We ought to fix it now.

On that issue—I don't often side with this President—but I think he is right. We ought to use this opportunity to stabilize and change and adjust the Social Security system.

By offering this amendment today, what my colleagues are not saying is don't fix Social Security. They are saying we have an opportunity to address a nagging problem inside the tax structure of this country, while at the same time we ought to deal with Social Security. I hope the House and the Senate, before we adjourn this fall, speak very clearly to these issues. The public deserves a tax cut. When you have a surplus that you have collected from the American taxpayer, you ought to give it back, or at least you ought to give a substantial portion of it back.

Polling shows that the American public also expects us to pay off the

debt, and one of the ways you pay off the debt or you eliminate a major portion of the debt structure of this country is by dealing with Social Security, because the debt is, in fact, the money that we have borrowed from the Social Security trust funds by the character of the unified budget under which we finance the activities of our Government.

I am going to support Senator ASHCROFT and Senator BROWNBACK today in their effort. We must deal with this. It is timely that we deal with it now, and I think it is important that the Senate express itself with this opportunity. The marriage penalty is a major first step in addressing what needs to be significant tax reform in this country that I hope can come in the 106th Congress that will convene in January of next year.

I applaud my colleagues today for bringing this issue to the floor for debate and for a vote, and I hope the Senate will concur with them. I yield the floor.

Mr. KEMPTHORNE addressed the Chair.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. KEMPTHORNE. Mr. President, this morning we will vote on an amendment that brings to light a particularly glaring injustice of the Federal Tax Code, and that is the marriage tax penalty.

In recent months, the Senate has debated this issue more than once. I think these efforts are significant. I congratulate Senators BROWNBACK and ASHCROFT for offering this amendment and also the many other Members who have championed the elimination of the marriage tax penalty.

Let me also say this: The U.S. Senate should not rest until we are able to eliminate this counterproductive, unfair, and regressive policy. I will continue to support amendments to end the marriage tax penalty until we are successful.

I ask myself one fundamental question before I make up my mind on any issue we deal with on the floor of the U.S. Senate. That is: Does this policy make sense for the American people?

Let us apply this question to our current Federal Tax Code, which quite simply penalizes a working couple for getting married. Should folks pay more tax because they are married? Absolutely not.

The marriage tax penalty raises revenue for the Government but it is poor public policy. It most often raises taxes on lower- and middle-income families who claim the standard deduction. That is wrong. We must strengthen the bonds of family to strengthen the fabric of our society.

Before 1969, marriages were treated by the Federal Tax Code like partnerships—allowing husbands and wives to split their incomes evenly. In 1969, the practice of income splitting was ended. By doing this, the Government did nothing less than penalize American couples for marrying.

Since that time, with the Nation's progressive tax rates, tax laws have meant that working married couples are forced to pay significantly more money in taxes than they would if they were both single. Currently, 42 percent of married couples suffer because of the marriage tax penalty.

Let me provide an example. A single person earning \$24,000 per year is taxed at a rate of 15 percent. If two people, each earning \$24,000, get married, the IRS, by taxing them on their combined income, taxes them in the 28-percent bracket.

This amendment will phase out the marriage tax penalty by allowing married couples to file a combined return. By doing this, each spouse is taxed using the rates applicable to unmarried individuals so that one spouse's lesser income does not push a couple's combined income into a higher tax bracket.

Some might argue that it is the job of the Federal Government to promote good behavior; others might disagree. But I think that we could all agree on one issue: The Federal Government should not be penalizing marriages, a sacrosanct institution and the bedrock of our social structure. It is time for the Federal Government to end this injustice to the American family. I urge my colleagues to support this amendment.

How many times have we heard, Mr. President, statements by Senators on the floor of this institution talking about family values—family, the fabric of this society? Yet, here we have tax policy that penalizes families. It is time to end the injustice. Again, I support Senator BROWNBACK and Senator ASHCROFT and the leadership on this issue.

I yield the floor.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware.

Mr. ROTH. Mr. President, I am in the contradictory position of agreeing in substance with this amendment. There is no question in my mind that it is wrong to penalize married couples who pay more taxes than if they were single. As I have said, it is a matter that must be corrected. As chairman of the Finance Committee, I shall work mightily to see that this is accomplished.

But the fact is that this is a revenue measure. If this amendment is adopted, it subjects the entire Treasury-Postal appropriations to a blue slip from the House of Representatives. Under our Constitution, revenue measures must originate in the House. If not, any Member—and, again, I emphasize any Member—of the House can raise an objection. The result would be that this appropriations bill dies. I do not think that is in anyone's interest. For that reason, I move to table the amendment.

I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question now occurs on agreeing to the motion to table the Brownback amendment. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from North Carolina (Mr. HELMS) is absent because of illness.

I further announce that, if present and voting, the Senator from North Carolina (Mr. HELMS) would vote "no."

The result was announced—yeas 48, nays 51, as follows:

[Rollcall Vote No. 242 Leg.]

YEAS—48

| | | |
|----------|------------|---------------|
| Akaka | Feinstein | Lieberman |
| Baucus | Ford | Mikulski |
| Biden | Glenn | Moseley-Braun |
| Bingaman | Gorton | Moynihan |
| Boxer | Graham | Murray |
| Breaux | Harkin | Reed |
| Bryan | Inouye | Reid |
| Bumpers | Johnson | Robb |
| Byrd | Kennedy | Rockefeller |
| Cleland | Kerrey | Roth |
| Conrad | Kerry | Sarbanes |
| Daschle | Kohl | Snowe |
| Dodd | Landrieu | Thompson |
| Dorgan | Lautenberg | Torricelli |
| Durbin | Leahy | Wellstone |
| Feingold | Levin | Wyden |

NAYS—51

| | | |
|-----------|------------|------------|
| Abraham | Enzi | Lugar |
| Allard | Faircloth | Mack |
| Ashcroft | Frist | McCain |
| Bennett | Gramm | McConnell |
| Bond | Grams | Murkowski |
| Brownback | Grassley | Nickles |
| Burns | Gregg | Roberts |
| Campbell | Hagel | Santorum |
| Chafee | Hatch | Sessions |
| Coats | Hollings | Shelby |
| Cochran | Hutchinson | Smith (NH) |
| Collins | Hutchison | Smith (OR) |
| Coverdell | Inhofe | Specter |
| Craig | Jeffords | Stevens |
| D'Amato | Kempthorne | Thomas |
| DeWine | Kyl | Thurmond |
| Domenici | Lott | Warner |

NOT VOTING—1

Helms

The motion to lay on the table the amendment (No. 3359) was rejected.

Mr. CAMPBELL. Mr. President, I move to reconsider the vote by which the motion was rejected.

Mr. NICKLES. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. BROWNBACK addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, this is the amendment that I put forward—

Mr. GRAMM. May we have order, Mr. President, so we can hear the Senator from Kansas?

The PRESIDING OFFICER. The Senate will be in order.

AMENDMENT NO. 3359, WITHDRAWN

Mr. BROWNBACK. Mr. President, I appreciate greatly everybody's support of the notion that we should do away with the marriage penalty. It is the appropriate signal, and it is the appropriate thing for us to say to the American public. It is the appropriate sort of tax cut that we can certainly pay for it at the present time. I am particularly appreciative of the leadership's support

and Senator LOTT's commitment to provide that sort of working relief to American taxpayers.

I am withdrawing my amendment because the Constitution does not allow tax-cutting legislation to originate in the Senate. This vote, however, sends a strong message to the House that we want to eliminate the marriage penalty. And that is what we hope to be able to get done yet this session of Congress.

I would like to yield to one of the co-sponsors of this amendment, the Senator from Missouri, for comments as well.

Mr. ASHCROFT addressed the Chair. The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I commend the Senator from Kansas for his outstanding work on this issue. I believe that it is simply wrong for America to launch through the tax system an assault on one of the major principles of our culture—enduring, lasting marriages. But I concur with his judgment that this would subject this bill to what is known as a blue slip in the House and could disrupt the business that we ought to be conducting. I commend him for withdrawing the amendment. I thank him for the excellent work that he has done.

I think this vote is a clear signal that this body understands this assault on the values of America, known as the marriage penalty, does not belong in the policy of this country.

I thank the Senator from Kansas. I thank those who supported this particular effort and hope that we will have an opportunity to rally as public servants to eliminate this scar on the body politic whereby we wound the primary institution of stability in our culture, the family, by penalizing marriages. It is time for us to stop that. I believe we can and will, and this vote demonstrates it.

I thank the Senator from Kansas. I thank the Chair.

The PRESIDING OFFICER. At the request of the Senator from Kansas, the amendment is withdrawn.

The amendment (No. 3359) was withdrawn.

Mr. DASCHLE addressed the Chair.

The PRESIDING OFFICER. The Democratic leader.

Mr. DASCHLE. Mr. President, I don't want anyone to misinterpret the vote just taken. Obviously, there are a lot of motivations in offering amendments like this on the appropriations bill. As the Senator from Missouri just noted, this legislation would have been blue-slipped had it gone over to the House. I appreciate the actions just taken in withdrawing the amendment.

So that there will be no doubt, we will be offering a similar marriage penalty amendment this afternoon—a marriage penalty amendment that will be paid for, that will be targeted, that will offer a far greater opportunity to address the real issue without using the Social Security surplus.

The previous amendment would have, without question, used Social Security

to pay for its tax benefits. One hundred billion dollars over the next 5 years out of the Social Security Trust Fund surplus is something most Democrats are unprepared to support. We don't have to use the Social Security trust fund. We don't have to use the surplus. We don't have to use a broad-based, completely untargeted approach to marriage penalty relief.

So we will have another opportunity this afternoon to vote on the marriage penalty in a reasonable and a direct and a far more responsible way. And I look forward to that debate as well.

Mr. DORGAN. Mr. President, will the Senator from South Dakota yield for a question?

Mr. DASCHLE. Yes, I yield.

Mr. DORGAN. I am trying to understand the difference. We voted on a tabling motion. We went actually to a recorded vote on a tabling motion on this amendment. Then, immediately after the tabling motion failed, the author of the amendment said he was going to withdraw it because apparently it would be blue-slipped and, therefore, inappropriate, and, second, violates the Budget Act.

What is the difference between voting to table and then being the author and deciding it violates the Budget Act and it is also a blue-slip problem, and therefore I am going to withdraw it? Is there any distinction between a vote to table and a decision by the author to withdraw, in the Senator's opinion?

Mr. DASCHLE. The Senator from North Dakota raises a good question. I don't know what motivation there may have been to simply put the Senate on record one more time. As everyone recalls, we had this debate on the tobacco bill. We had two versions of the marriage penalty proposed—the Democratic version and the Republican version. There are some very considerable differences. But, voting against the tabling motion and then withdrawing it seems somewhat of a convoluted approach to legislating. I am unclear as to what the motivation may have been.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. DASCHLE. Certainly, I will yield for a question.

Mr. DURBIN. I am glad the Senator reminded us that we had this morning penalty issues on the tobacco bill. The Senators who voted to table that tobacco bill had actually voted to table the marriage penalty then, did they not?

Mr. DASCHLE. The Senator from Illinois is correct. There was a motion to table the amendment at that time. They voted to do so at that time. Obviously, they will probably be voting again this afternoon to table a marriage penalty vote that we will be offering.

It will be interesting to see how this plays out. But, clearly, I think there

was a political motivation as much as a substantive motivation on the part of our Republican colleagues. That was evidenced in the tobacco bill debate, and it will be evidenced again today.

Mr. DURBIN. Will the Senator yield for one more question?

Mr. DASCHLE. Yes.

Mr. DURBIN. For those of us who want to make certain the surplus is used first to guarantee the longevity and solvency of the Social Security trust fund, are we going to have an opportunity with the amendment that the Senator is going to offer to support tax reform consistent with that goal of protecting Social Security first?

Mr. DASCHLE. The Senator from Illinois is absolutely correct. We don't have to use Social Security trust funds. We don't have to use the surplus to pay for a marriage penalty amendment. We can find an appropriate offset and delineate that offset, which is what I think is the responsible thing to do. There was no delineation of an offset in the previous amendment, so one has to assume that the Republican amendment was, again, more of a demonstration of rhetoric than genuine effort to provide responsibly-funded tax relief. The rhetoric we get from our colleagues on the other side that they will not use the Social Security trust funds. The facts are otherwise. For example, in this amendment, \$100 billion in Social Security trust funds were likely to be used.

There is a difference between our approaches to fiscal responsibility, protecting Social Security, and providing tax relief. I think that ought to be made clear in the RECORD. We will have an opportunity once more to debate that this afternoon.

Mr. DORGAN. I wonder if the Senator will yield for one additional question?

Mr. DASCHLE. I yield to the Senator.

Mr. DORGAN. I inquire of the Senator from South Dakota, the representation was made by the author of the amendment, after the vote, "We now have some expression of who in the Senate wants to abolish the marriage tax penalty." We have had other votes on that constructed in different ways, constructed in ways that don't use the Social Security trust funds in order to provide this kind of tax relief. But, could one also not make the point that those who voted against tabling were casting a vote to violate the Budget Act? If, in fact, the amendment as offered violated the Budget Act, could one not construe a vote in opposition to tabling to say, by those who cast that vote, we would like to violate the Budget Act here? I mean, there are all kinds of motives, I suppose. I don't want to ascribe motives to anyone. But it seems to me, to have a tabling vote here on the floor of the Senate and then decide by that tabling vote who cares or does not care about the marriage tax penalty, and then withdraw the amendment and then stand up and

say, "Now we know who cares and doesn't care," it seems to me you could also put different interpretations on that same vote. Perhaps the people who decided they didn't care whether it violated the Budget Act cast a vote to say we didn't care about the Budget Act. Would that be a fair construction?

Mr. DASCHLE. I think it is a fair construction. I give great credit to the chairman of the Finance Committee for making that point. The chairman of the Finance Committee did the responsible thing and was certainly showing, once again, his leadership in this regard in making sure everyone understood this is not a tax bill. This is an appropriations bill. There is a time to address taxes. There is a time to address spending through appropriations. The chairman of the Finance Committee drew that distinction, as did most of us.

So, again, we will have another opportunity to discuss this matter, but I simply wanted at this point in the RECORD to be sure everyone understood what motivations there may have been for those of us who feel we ought to take a more responsible view with regard to the marriage penalty itself.

I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I appreciate the opportunity to explain to my colleagues what the issue was just about. I appreciate the opportunity, as well, to be able to address the question of motivation.

Make no mistake about the motivation here. Our motivation is to eliminate the marriage penalty tax. That is pure and simple. That is what we have been saying for the last couple of hours. It is to eliminate the marriage penalty tax.

We wanted to have this debate at this point in time and juncture because there are less than 30 legislative days until we finish up. Signals that have been coming out haven't been much about tax cuts. They have been mostly about spending. We wanted to send a very clear signal we are for cutting taxes, and in particular, first and foremost, the marriage penalty tax.

We needed to have some way to be able to have that debate. We spent a lot of time here on the Senate floor—we spent 4 weeks on a tobacco bill. We spent a lot of time on a lot of other issues. We have not spent much time on tax cuts. We are limited on the number of things we can talk about, and the vehicles we can talk about them on. This was one we could, and we decided it is getting to the end of this session, we have to start talking about tax cuts. We have to start talking about families. This is one of the things that we can talk about, the marriage penalty tax.

Anybody looking at the Constitution can say, "Wait a minute; this has to originate in the House." And it does.

Then there is a blue slip procedure in the House, which exists. We are soon to be going out for the August break, and we wanted to be able to say to our colleagues in the House: There is support for marriage penalty tax elimination. We wanted to get that debate started and moving on forward and to say that to them. That is what this debate was about. That is what the vote was for. That is what our motivation is. If anybody is questioning that, we have been standing here for 2 or 3 hours saying that is what we want to do.

I hope my colleagues on the other side of the aisle will join us, when it comes back from the House, to eliminate the marriage penalty tax. It is a ridiculous tax. I hope most of them would stand up and vote with us at that point in time. If they want to change their vote this time, maybe we can try it again here later on, to send that stronger signal to the House that the Democrat side supports this as well. That is what we are about and that is what we are trying to get through.

I think we spent plenty of time debating that and making that point clear. So if there is a question about motivation, that is what it is about. It is eliminating that marriage tax penalty and sending that signal back over to the House.

I appreciate the opportunity to speak, and I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. The Senator from Kansas makes a fair point. I think he makes his point with some credibility on the issue of the marriage tax penalty. I understand that. I think most people find most Members of the Senate agree with him. When, in the Tax Code, you have a penalty with respect to the income tax for certain married couples, we ought to do something to address that. I just observed, however, that the Senator from Kansas and the Senator from Missouri offered an amendment that addresses it and then withdrew the amendment because it apparently violates the Budget Act and would be blue-slipped in any event because a revenue measure of this type must be advanced first in the House of Representatives by the Ways and Means Committee.

The reason I stood, following the vote on tabling this amendment, was I did not want this to be interpreted as the Senator from Kansas was interpreting it, that this tabling motion was a description of who in the Senate cares about the marriage tax penalty. I think there are many Members of the Senate who agree with the Senator that the marriage tax penalty ought to be eliminated. It ought to be eliminated. We ought to find a way to do that. We ought to find the right way to do that.

The question is, When you eliminate the marriage tax penalty, as the Senator from Delaware, the chairman of the Finance Committee indicated,

where do you make up the revenue? Exactly how do you construct something that makes up the revenue you lose when you eliminate the marriage tax penalty? I think it is a worthy effort for this Congress and future Congresses to embark upon. But as we have discussed before, the proposition that was offered this morning would lose a substantial amount of revenue we now have. The proposal did not offer methods by which that would be made up. I think we have to do that. That is precisely why it violated the Budget Act.

I have heard a great deal of debate by a number of Senators here on the floor—the Senator from Kansas, from Missouri, and others. As the Senator knows, there have been other proposals to address the marriage tax penalty on the floor of the Senate that have also gotten a number of votes, and I have voted for addressing that issue, because I think it is a worthy issue to address.

So I just thought it was curious that we had a proposal that I think costs over \$100 billion or so that had a blue slip problem and a problem of violating the Budget Act, that we debate it and then we have a tabling motion, and we allow people to vote not to table it, and then stand up and say those who voted not to table it care about dealing with the marriage penalty and, by inference, those who voted to table it do not care. Then the vote is over and it is not tabled, it is still prevailing here in the Senate, still pending as the Senate business, and then it is withdrawn precisely because it has the problems those who voted to table it allege that it had.

I just want to make the point, you will find support and we will find support, I think, when you and a number of us together address the marriage tax penalty in a thoughtful way and in a way that does not bust the Budget Act and does not create a blue slip and does not propose solutions for which there are not revenues in order to make up the shortfall.

I appreciate the attention of the Senator from Kansas and the Senator from Missouri. Let me end by saying, again, it is a worthy subject for the Senate to consider, but we cannot consider it in ways that violate the Budget Act.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Mr. President, I thank the Senator from Kansas. I thank the Senator from North Dakota. This is a matter that deserves our attention. It is an affront to the very institution that is most critical to the future of America. Some might say since this is not going to be included in a part of this bill because of the problems of originating such a measure in the Senate, that perhaps this was an endeavor which lacked merit.

I really think it is important for us to keep the pressure on in this arena. It is important for a very simple reason, and that is that there are pro-

posals to spend, spend, spend constantly. They are insistent. They always have the support of the bureaucracy. They would fund a bigger and bigger Government, more bloated and more bloated. It is essential that we elevate into the consciousness of this body and to the consciousness of the American public that there are very important places in which we ought to provide relief to American families, particularly as it relates to the marriage penalty, which is an attack by our Government on a central value of our culture, that value of marriage.

You had but to look at this year and to see what it has contained. We started the year in January with some suggestion we were going to have additional revenues. The President came out virtually every day in January while we were preparing to come into session with what I call the "program du jour." It was like going to the diner and having the special. Every day there was a new program to expand spending, to enlarge the consumption of Government, and implicitly, to contract the ability of people to spend the money that they earned as families.

For those people who believe the success of America in the next generation is going to be based on Government, then that is, I think, a good strategy. But for those of us who believe the real success of America is not going to be based on Government programs, but is going to be based on whether or not we have solid families, then I think a strategy should exist to bring attention to the fact that we are penalizing, at the rate of \$29 billion a year, people simply for being married. Some people think, "We need to be spending this money in Government."

Frankly, we ought to ask ourselves, do we think we are going to do more to foster the No. 1 institution in American culture, the family, by taking money from them and spending it in the bureaucracy, or letting those families spend the money on their own families in order to do what they need to do and to provide for a strong America.

This isn't a question about whether moneys are going to be spent or not. This is a question about whether people are going to spend money on their families or the bureaucracy is going to spend money on Government. Which do we believe builds a stronger America?

Frankly, the number of spending proposals that we are the recipient of continues to skyrocket. I have to say that the rules of this organization, the rules of the Senate, the rules of the Congress favor spending. It is hard to get something through to give money back to the people, and it should not be. But for so long, we have been so prejudiced toward taking money, and it has finally gotten to a point that is unacceptable. We are at the highest overall tax rate in Government in American history right now. It is time for us to say no more, especially as it relates to an assault on the American family.

It is true this measure has been withdrawn because it is awkward and not in

accordance with the rules as relates to this measure, but it is time for us to begin to elevate this and to say, "Wait, we have to stop this insistent consumption by the Government that keeps us from being able to spend our own resources as families."

I thank the Senator from Kansas for an outstanding job. I was pleased to march shoulder to shoulder with him in this effort. I, frankly, welcome people from both sides of the aisle who feel keenly about this. We do need relief for American families, I don't think there is any question about it. I am delighted that some are expressing that and will continue to do so.

I have been delighted at every turn of the debate when individuals have understood that the future of America is far more likely to be guaranteed and ensured by strong families than it is by big Government. It is time for us to reflect that in our tax policy.

I thank the Senator from Kansas, and I look forward to working with him toward the realization of this goal of declaring peace on America's families. For too long, we have made war with our tax policy on America's families. I yield the floor.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado.

Mr. CAMPBELL. Mr. President, we are only going to be another 10 minutes or so, and there are several Senators who want to make unanimous consent requests.

Since we only have a few minutes, and I hate to burden the two Senators who are waiting, I will wait and send the remainder of the amendments to the desk after the break. I yield the floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

AMENDMENT NO. 3362

(Purpose: To require Federal agencies to assess the impact of policies and regulations on families, and for other purposes)

Mr. ABRAHAM. Mr. President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Michigan [Mr. ABRAHAM], for himself, Mr. FAIRCLOTH, Mr. SESSIONS, Mr. HUTCHINSON, Mr. DEWINE, Mr. MCCAIN, Mr. BROWNBACK, Mr. ENZI, Mr. HELMS, Mr. COVERDELL and Mr. ASHCROFT, proposes an amendment numbered 3362.

Mr. ABRAHAM. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place, insert the following:

SEC. —. ASSESSMENT OF FEDERAL REGULATIONS AND POLICIES ON FAMILIES.

(a) PURPOSES.—The purposes of this section are to—

(1) require agencies to assess the impact of proposed agency actions on family well-being; and

(2) improve the management of executive branch agencies.

(b) DEFINITIONS.—In this section—

(1) the term “agency” has the meaning given the term “Executive agency” by section 105 of title 5, United States Code, except such term does not include the General Accounting Office; and

(2) the term “family” means—

(A) a group of individuals related by blood, marriage, or adoption who live together as a single household; and

(B) any individual who is not a member of such group, but who is related by blood, marriage, or adoption to a member of such group, and over half of whose support in a calendar year is received from such group.

(c) FAMILY POLICYMAKING ASSESSMENT.—Before implementing policies and regulations that may affect family well-being, each agency shall assess such actions with respect to whether—

(1) the action strengthens or erodes the stability of the family and, particularly, the marital commitment;

(2) the action strengthens or erodes the authority and rights of parents in the education, nurture, and supervision of their children;

(3) the action helps the family perform its functions, or substitutes governmental activity for the function;

(4) the action increases or decreases disposable family income;

(5) the proposed benefits of the action justify the financial impact on the family;

(6) the action may be carried out by State or local government or by the family; and

(7) the action establishes an implicit or explicit policy concerning the relationship between the behavior and personal responsibility of youth, and the norms of society.

(d) GOVERNMENTWIDE FAMILY POLICY COORDINATION AND REVIEW.—

(1) CERTIFICATION AND RATIONALE.—With respect to each proposed policy or regulation that may affect family well-being, the head of each agency shall—

(A) submit a written certification to the Director of the Office of Management and Budget and to Congress that such policy or regulation has been assessed in accordance with this section; and

(B) provide an adequate rationale for implementation of each policy or regulation that may negatively affect family well-being.

(2) OFFICE OF MANAGEMENT AND BUDGET.—The Director of the Office of Management and Budget shall—

(A) ensure that policies and regulations proposed by agencies are implemented consistent with this section; and

(B) compile, index, and submit annually to the Congress the written certifications received pursuant to paragraph (1)(A).

(3) OFFICE OF POLICY DEVELOPMENT.—The Office of Policy Development shall—

(A) assess proposed policies and regulations in accordance with this section;

(B) provide evaluations of policies and regulations that may affect family well-being to the Director of the Office of Management and Budget; and

(C) advise the President on policy and regulatory actions that may be taken to strengthen the institutions of marriage and family in the United States.

(e) ASSESSMENTS UPON REQUEST BY MEMBERS OF CONGRESS.—Upon request by a Member of Congress relating to a proposed policy or regulation, an agency shall conduct an assessment in accordance with subsection (c), and shall provide a certification and rationale in accordance with subsection (d).

(f) JUDICIAL REVIEW.—This section is not intended to create any right or benefit, substantive or procedural, enforceable at law by

a party against the United States, its agencies, its officers, or any person.

Mr. ABRAHAM. Mr. President, in light of the hour, I will only speak briefly about this amendment now and then move to set it aside so the Senator from Delaware can speak, and then we can return to this sometime later today.

This is an amendment, obviously, to the Treasury-Postal appropriations bill. This amendment, essentially, accomplishes a very specific purpose: to reinstate an Executive order which was in effect for over 10 years intended to “ensure that the autonomy and rights of the family are considered in the formulation and implementation of policies by Executive departments and agencies.”

I am offering the Family Impact Statement Act as a relevant amendment to the Treasury-Postal appropriations bill because it is this bill which funds the agency which will oversee its implementation and enforcement; namely, the Office of Management and Budget.

I believe that today, in an era during which observers and social scientists from all parts of the political spectrum have come to realize the profound importance of the family on character development, we should be doing everything we can to protect the health, security and autonomy of the American family.

This belief lay behind President Ronald Reagan's signing of the family impact Executive order in 1987. In my view, President Clinton made a mistake last April when he revoked this order as part of an Executive order on environmental policy. Now I believe, more than ever, we need to make our bureaucracy more supportive and respectful of families' interests. I believe my colleagues will have no trouble giving their enthusiastic support to this amendment.

Simply put, this amendment will require Federal agencies to assess the impacts of their policies and regulations on America's families. It provides that each agency assess policies and regulations that may affect family well-being.

This assessment will aim to determine:

One, whether the action strengthens or erodes the stability of the family and particularly the marital commitment;

Two, whether the action strengthens or erodes the authority and rights of parents in the education, nurturing and supervision of their children;

Three, whether the act helps the family perform its function or substitute governmental activity for that function;

Four, whether the action increases or decreases disposable family income;

Five, whether the benefits of the proposed action will justify its financial impact on the family;

Six, whether the governmental action may be carried out by State or

local government or by the family itself;

And seven, whether the action establishes an implicit or explicit policy concerning the relationship between the behavior and personal responsibility of young people and the norms of society.

Simply put, Mr. President, agencies will be directed to assess whether proposed rules and policies will help or hurt families as they seek to provide mutual support and carry out their vital function of forming children into good adults, good citizens, good workers, and good neighbors.

On finishing this assessment, the agency heads will submit a written certification to the Office of Management and Budget and to Congress that the assessment has been made and provide adequate rationale for implementing each policy or regulation that may adversely affect family well-being.

The Director of the Office of Management and Budget will then use this information to ensure that agency policies and regulations are implemented consistent with this amendment, and compile, index, and submit annually to Congress the written certifications made by agency heads.

To ensure that no proposed policy or regulation that could adversely affect the family goes unassessed, this legislation also provides that a Member of Congress may request a family impact assessment and certification.

In addition, the Office of Policy Development will be directed by this amendment to assess proposed policies and regulations in accordance with it, provide evaluations to the Office of Management and Budget, and advise the President on policy and regulatory actions that may be taken to strengthen marriage and the family in the United States.

In my view—and I will limit my statement at this time—I believe that most Members of this body, as we have already seen expressed today from both sides of the aisle, are very concerned about America's families and want to be on the side of strengthening families.

There are a variety of ways to do this, and the Executive order which was enacted in 1987 by President Reagan made unelected persons in our governmental bureaucracies responsible for assessing the impact on families of new rules and regulations before they were implemented. To me, that is a sensible thing to require of our Government regulators.

The decision to revoke that requirement, which was made last year, in my judgment, was a step in the wrong direction. This amendment seeks to, in effect, reinstitute those policies so that the concerns and the impact on families of governmental regulations will be assessed prior to—prior to—the creation of and implementation of new Federal regulations.

I think that makes sense, Mr. President. For that reason, I offer the

amendment on behalf of myself and a number of other Senators who cosponsored our original legislation. In light of the hour and the desire on the part of others to speak at this time, I ask unanimous consent that this amendment be set aside for further consideration later today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH addressed the Chair.

The PRESIDING OFFICER. The Senator from Delaware. I remind the Senator that under the previous order, the Senate will recess at 12:30.

Mr. ROTH. Mr. President, I ask unanimous consent that we stay in session until I complete my statement, which will be roughly 10 to 15 minutes.

The PRESIDING OFFICER. Is there objection?

Mr. DURBIN. Reserving the right to object, I am sorry, I did not hear the Senator's closing comment. That we stay in session until what time?

Mr. ROTH. Until I complete my statement, which will be roughly 10 to 15 minutes.

Mr. DURBIN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Delaware.

Mr. ROTH. Mr. President, I also ask unanimous consent that I may speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROTH. I thank the Chair.

(The remarks of Mr. ROTH pertaining to the introduction of S. 2369 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RECESS UNTIL 2:15

The PRESIDING OFFICER. Under the previous order, the Senate will now stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:40 p.m., recessed until 2:15 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer [Mr. ROBERTS].

Mr. CAMPBELL addressed the Chair.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. CAMPBELL. Mr. President, we have some housekeeping things before we go to the next amendment.

AMENDMENT NO. 3363

Mr. CAMPBELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for Mr. MACK, proposes an amendment numbered 3363.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in title IV, insert:
SEC. ____ LAND CONVEYANCE, UNITED STATES NAVAL OBSERVATORY/ALTERNATE TIME SERVICE LABORATORY, FLORIDA.

(a) CONVEYANCE AUTHORIZED.—If the Secretary of the Navy reports to the Administrator of General Services that the property described in subsection (b) is excess property of the Department of the Navy under section 202(b) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 483(b)), and if the Administrator of General Services determines that such property is surplus property under that Act, then the Administrator may convey to the University of Miami, by negotiated sale or negotiated land exchange within one year after the date of the determination by the Administrator, all right, title, and interest of the United States in and to the property.

(b) COVERED PROPERTY.—The property referred to in subsection (a) is real property in Miami-Dade County, Florida, including improvements thereon, comprising the Federal facility known as the United States Naval Observatory/Alternate Time Service Laboratory, consisting of approximately 76 acres. The exact acreage and legal description of the property shall be determined by a survey that is satisfactory to the Administrator.

(c) CONDITION REGARDING USE.—Any conveyance under subsection (a) shall be subject to the condition that during the 10-year period beginning on the date of the conveyance, the University shall use the property, or provide for use of the property, only for—

(1) a research, education, and training facility complementary to longstanding national research missions, subject to such incidental exceptions as may be approved by the Administrator;

(2) research-related purposes other than the use specified in paragraph (1), under an agreement entered into by the Administrator and the University; or

(3) a combination of uses described in paragraph (1) and paragraph (2), respectively.

(d) REVERSION.—If the Administrator determines at any time that the property conveyed under subsection (a) is not being used in accordance with this section, all right, title, and interest in and to the property, including any improvements thereon, shall revert to the United States, and the United States shall have the right of immediate entry thereon.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Administrator may require such additional terms and conditions in connection with the conveyance under subsection (a) as the Administrator considers appropriate to protect the interests of the United States.

Mr. CAMPBELL. Mr. President, this amendment encourages GSA to convey property in Miami, should the Secretary of the Navy choose to access it. It is my understanding it has been accepted on both sides.

Mr. KOHL. We accept that. That is fine.

The PRESIDING OFFICER. If there is no further debate, without objection, the amendment is agreed to.

The amendment (No. 3363) was agreed to.

AMENDMENT NO. 3364

(Purpose: To establish requirements for the provision of child care in Federal facilities)

Mr. CAMPBELL. Mr. President, I send an amendment to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Colorado [Mr. CAMPBELL], for Mr. JEFFORDS, for himself, Ms. LANDRIEU, Mr. DODD, and Mr. KOHL, proposes an amendment numbered 3364.

Mr. CAMPBELL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under Amendments Submitted.)

Mr. JEFFORDS. Mr. President, the amendment before us on the Treasury-Postal appropriations bill concerns the provision of child care services located in federally-owned and -leased buildings. This amendment will go a long way towards ensuring that child care services located in federally-owned and leased buildings are safe, positive environments for the children of federal employees.

I have been working closely with the Senate Committee on Government Affairs which has jurisdiction over this legislation. Chairman THOMPSON and his staff have been extremely helpful, as has the ranking member of that committee, Senator GLENN. The Senate Rules Committee was instrumental in crafting the language related to the Senate Employees' Child Care Center. I want to thank Chairman WARNER, and Senator FORD and their staff for their assistance.

This amendment was first introduced as a stand-alone bill on November 7, 1997. It was drafted because of several serious incidents which occurred in federal child care facilities. At that time, it came to my attention that child care centers located in federal facilities are not subject to even the most minimal health and safety standards.

As my colleagues know, federal property is exempt from state and local laws, regulations, and oversight. What this means for child care centers on federal property is that state and local health safety standards do not and cannot apply. This might not be a problem if federally-owned or leased child care centers met enforceable health and safety standards. I think most parents who place their children in federal child care would assume that this would be the case. However, I think federal employees will find it very surprising to learn, as I did, that, at many centers, no such health and safety standards apply.

I find this very troubling, and I think we should be embarrassed that child care in federal facilities child care cannot guarantee that children are in safe environments. The federal government should set the example when it comes to providing safe child care. It should not turn an apathetic shoulder from meeting such standards simply because state and local regulations do not apply to them.

My amendment will require child care services in federal buildings to meet a standard no less stringent than the requirements for the same type of child care offered in the community in